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**Datasheet for the decision
of 5 September 2017**

Case Number: T 0394/17 - 3.2.03

Application Number: 09762490.2

Publication Number: 2290121

IPC: C23C14/34

Language of the proceedings: EN

Title of invention:

CYLINDRICAL SPUTTERING TARGET AND METHOD FOR MANUFACTURING THE SAME

Patent Proprietor:

Tosoh Corporation

Opponent:

Heraeus Deutschland GmbH & Co. KG

Headword:

Relevant legal provisions:

Keyword:

Decisions cited:

Catchword:



Beschwerdekammern
Boards of Appeal
Chambres de recours

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Case Number: T 0394/17 - 3.2.03

D E C I S I O N
of Technical Board of Appeal 3.2.03
of 5 September 2017

Appellant: Heraeus Deutschland GmbH & Co. KG
(Opponent) Heraeusstr. 12-14
63450 Hanau (DE)

Representative: Kador & Partner
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80469 München (DE)

Respondent: Tosoh Corporation
(Patent Proprietor) 4560, Kaisei-cho
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Yamaguchi 746-8501 (JP)

Representative: Vigand, Philippe
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Decision under appeal: **Interlocutory decision of the Opposition**
Division of the European Patent Office posted on
21 December 2016 concerning maintenance of the
European Patent No. 2290121 in amended form.

Composition of the Board:

Chairman G. Ashley
Members: B. Miller
M.-B. Tardo-Dino

Summary of Facts and Submissions

- I. The appeal is directed against the decision of the Opposition Division of 7 November 2016, posted on 21 December 2016.
- II. The appellant filed a notice of appeal on 9 February 2017 and paid the appeal fee on the same day.
- III. By communication of 23 May 2017, received by the appellant, the Registry of the Board informed the appellant that it appeared from the file that the written statement of grounds of appeal had not been filed, and that it was therefore to be expected that the appeal would be rejected as inadmissible pursuant to Article 108, third sentence, EPC in conjunction with Rule 101(1) EPC. The appellant was informed that any observations had to be filed within two months of notification of the communication. In addition, the registrar got the confirmation from the new appellant's representative by a telephone call (written notice of 22 May 2017) that there would be no statement of grounds.
- IV. No reply was received.

Reasons for the Decision

No written statement setting out the grounds of appeal was filed within the time limit provided by Article 108, third sentence, EPC in conjunction with Rule 126(2) EPC. In addition, neither the notice of appeal nor any other document filed contains anything that could be regarded as a statement of

grounds pursuant to Article 108 EPC and Rule 99(2) EPC.
Therefore, the appeal has to be rejected as inadmissible (Rule 101(1) EPC).

Order

For these reasons it is decided that:

The appeal is rejected as inadmissible.

The Registrar:

The Chairman:



C. Spira

G. Ashley

Decision electronically authenticated